

# CIVILIAN OVERSIGHT BOARD

## OPERATIONAL & PROCEDURAL MANUAL

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## Adoption of Rules and Procedures

- 1.1. The Civilian Oversight Board (COB), after consultation with the Director of Public Safety (DDPS) shall, by an affirmative vote of a majority of members of the COB, adopt rules and procedures herein, or as altered, that prescribe operating procedures regarding its meetings and administrative protocols, the manner in which it will conduct inspections, provide findings to the Commissioner, inform complainants of the status of Inspections, and fulfill other duties and responsibilities outlined in ordinance 69984.
- 1.2. The COB may hereafter, in consultation with the DDPS, by a majority vote of the members of the COB, make changes to this document as deemed necessary.
  - 1.2.1. The COB reserves the right to delegate or rescind any and all authorities to the Civilian Oversight Board Executive Director (CXD), as granted it through the enabling ordinance, City Charter, or other lawful means.
    - 1.2.1.1. Any authority that is delegated or rescinded must be clearly and expressly delineated in writing and attached to this document as an amendment as agreed to by a majority vote of the members of the COB.
2. Purpose
  - 2.1. The COB shall have the authority in accordance with Ordinance 69984, pursuant to RSMo 590.653. In doing so, the COB must treat both citizens and officers fairly to build a stronger partnership between the citizens and police.
  - 2.2. As a division of the Public Safety Department of the City of St. Louis (DPS), the COB shall be comprised solely of members of the public.
3. Definitions

When referenced herein, unless the context plainly indicates otherwise, the following terms shall have the meanings hereinafter set forth:

  - 3.1 “COB” shall mean the Civilian Oversight Board, when a quorum of its members has convened;
  - 3.2 “IAD” shall mean the Internal Affairs Division of the St. Louis Metropolitan Police Department and any employees assigned thereto;
  - 3.3 “Quorum” shall mean no less than a majority of Board members currently appointed and qualified to serve on the Board.
4. Meetings and Records
  - 4.1. The COB shall hold regularly scheduled meetings on such basis as the COB requires.
    - 4.1.1. A quorum of Board members physically in attendance at the place designated for meeting shall be necessary for COB business to be transacted.
      - 4.1.1.1 When a quorum of Board members is physically in attendance, other Board members may attend the meeting by telephone conference, provided, no Board member not physically in attendance shall be authorized to vote on any motion unless said Board member was in attendance by telephone during discussion of the subject matter relating to the vote.
    - 4.1.2. When a quorum of Board members is present, unless otherwise noted, *Robert’s Rules of Order* shall govern the proceedings.

- 4.1.3. In addition to regularly scheduled meetings, the COB may hold special meetings upon the request of any Board member, and will be held at the direction of a quorum of the Board.
    - 4.1.4. At the request of a member for a special meeting, the CXD will poll the Board membership by telephone or e-mail to determine if a quorum of the Board agrees.
  - 4.2. The CXD shall ensure that COB meeting minutes and votes are kept.
    - 4.2.1. Such meetings and records thereof shall conform to §§ 610.010, et seq., RSMo.
- 5. Document Administration
  - 5.1. IAD documents and materials required by members of the COB shall be requested of IAD through the CXD.
  - 5.2. The CXD and staff under the CXD's immediate supervision, unless otherwise noted, shall have sole access and authorization on behalf of the COB to transmit and receive all required documents and materials, electronic and hard-copy, necessary to support the functions of the COB.
    - 5.2.1. The CXD shall provide documents to members of the COB as requested.
    - 5.2.2. IAD and the CXD shall utilize the Joint Complaint Information Repository (JCIR) whenever possible to ensure confidentiality of documents and to reduce unnecessary copies of sensitive material.
      - 5.2.2.1. The City Counselor's staff shall have access to the (JCIR) as necessary.
    - 5.2.3. Hard copies of information requested of IAD shall be delivered directly to the CXD with confidential portions marked as such.
- 6. Complaint Intake and Sharing
  - 6.1. Intake
    - 6.1.1. Members of the public known as "Complainants" may submit a complaint on the Joint Civilian Complaint Form (JCCF) to the COB or to a designee at an authorized police facility for inspection and investigation.
    - 6.1.2. The CXD will ensure JCCF's are readily available to the general public at all SLMPD facilities that have areas open to the public including the three (3) SLMPD area patrol stations, the office of the Director of Public Safety (DDPS), the COB office, and all other locations that are agreed on by the COB and approved by the DDPS.
      - 6.1.2.1. The CXD shall distribute and maintain a sufficient supply of sequentially numbered JCCF's specific to each location at each of the three (3) SLMPD area patrol stations, the office of the DDPS, and the COB office.
    - 6.1.3. The CXD shall only accept complaints submitted by the public on the JCCF (Sec. **Error! Reference source not found.**) and classify them within five (5) business days of acceptance pursuant to the Classification Recommendation Document which shall establish criteria to determine which complaints warrant various levels of inspection, including such factors as seriousness of complaint and identification of patterns of misconduct.

- 6.1.3.1. A complaint shall be deemed completed and submitted only if it is signed by the complainant.
- 6.1.3.2. The COB may make reasonable efforts to seek a signature for any complaint that is not satisfactorily completed.
- 6.1.3.3. No complaint shall be accepted when submitted more than ninety (90) days after the date of the conduct which is the subject of the complaint, unless the complainant demonstrates good cause for submission not being within ninety (90) days. Whether good cause exists shall solely be determined by a quorum of the Board. The CXD may contact the complainant relative to whether facts constituting good cause exist and may make a recommendation to the COB on whether good cause exists.
- 6.1.4. Once a complaint has been submitted to the COB, no member of the Board shall contact or communicate with the complainant or any party associated with the complaint regarding the official business of the Board unless specifically authorized by the CXD as an official function of the Board and in furtherance of official business. Any action in conflict with this provision shall be viewed as a violation of section 17 and the member may be subject to dismissal from the Board as determined in section 18.
- 6.2. Sharing
  - 6.2.1. When a complainant submits the JCCF to the COB, the CXD shall upload the complaint to the JCIR and notify IAD within two (2) business days after receiving it.
- 7. Determination of Action for Complaints
  - 7.1. Members of the COB will be notified of the new complaints and the classification of each complaint on a regular basis with a recommendation from the CXD regarding further action.
    - 7.1.1. A quorum being present, at the request of any member the COB may vote to accept the CXD's recommendation. When a majority or tie is found the CXD's recommendation shall stand.
      - 7.1.1.1. When a majority or tie is not found, the members of the COB must deliberate and provide instructions to the CXD indicating a course of action.
        - 7.1.1.1.1. The COB shall vote on a proposed course of action until a majority is found.
        - 7.1.1.1.2. Once a majority has been found the course of action is accepted.
        - 7.1.1.1.3. Accepted recommendations and courses of action shall be recorded and provided to all members of the COB on a weekly basis.
- 8. Mediation
  - 8.1. Referral
    - 8.1.1. Should the COB select one of its members to attend IAD's interviews of civilian witnesses as part of an investigation (defined further in Sec. 9.1), that

member, dependent on a majority vote of the COB members present at a meeting where a quorum is present, may recommend mediation to the required aforementioned parties. This shall in no way interfere with the investigation, delay the investigation beyond normal coordination of schedules, or in any way interfere with or act contrary to the Charter of the City of St. Louis.

8.1.2. In the absence of a member of the COB having been selected to attend IAD's interviews, any member of the COB may, with good cause, recommend mediation to the required aforementioned parties, dependent on a majority vote of the COB members present at a meeting where a quorum is present.

8.1.3. The CXD shall ensure that all members of the COB are aware of the status of all requests for mediation, current mediation, and unsuccessful attempts at mediation.

## 8.2. Mediation Process

8.2.1. In order to refer a complaint to mediation, there must be a Community Police Agreement to Mediate form which has been signed by the complainant; any and all officers identified in the complaint; and the Commissioner.

8.2.2. The outcome of any mediation shall be kept confidential.

## 9. Investigations

### 9.1. Monitoring

9.1.1. The CXD shall notify IAD when a member of the COB is designated to monitor an interview and the Police Department shall coordinate scheduling and access to interviews with the CXD.

9.1.2. Should the COB select one of its members to attend IAD's interviews of civilian witnesses as part of an investigation, that member may be recalled in their capacity to attend interviews dependent on a majority vote of the COB members present at a meeting where a quorum is present.

9.1.2.1. When a member of the COB is recalled in this manner, the COB may select a different member as stated in section 9.1.1.

## 10. Independent COB Review

### 10.1. Delegation to CXD

10.1.1. The COB may, by a quorum vote of its members, choose to delegate to the CXD the process of conducting an independent review of the findings, information, evidence and recommendations.

10.1.1.1. When delegated, the CXD will conduct the review and make a recommendation to the COB.

### 10.2 CXD's Regular Responsibilities

10.2.1. The CXD shall submit a periodic report to the DDPS indicating agreement or disagreement with IAD findings and recommendations, requests to command the presence of IAD members and requests to inspect any and all physical evidence gathered by, or in the custody of IAD pertaining to the complaint and the investigation of such complaint.

10.2.1.1 The DDPS shall choose to endorse or deny requests made to command the presence of IAD members.

10.2.1.2 The DDPS shall forward said report to the Commissioner.

## 11. Independent Inquiry (Reserved)

## 12. COB Findings and Recommendations

### 12.1. COB Review of Findings

12.1.1. Any COB findings and recommendations, whether generated based on Independent COB Review or Independent Inquiry, must be approved by a quorum. Any such findings and recommendations shall be considered tentative and not final until the process specified in Subsection 12.1.2 herein has been completed.

12.1.2. The COB may provide an opportunity for the complainant, the subject(s) of the complaint, or the Commissioner, to ask the COB to reconsider its findings before they are finalized.

12.1.2.1. Once the COB has generated its tentative findings and recommendations, the CXD will within a reasonable time thereafter notify the complainant, the subject(s) of the complaint, and the Commissioner of same.

12.1.2.2. Once notified, the complainant, the subject(s) of the complaint, and the Commissioner shall have five (5) business days to review the tentative findings and recommendations at the office of the COB. The Commissioner may designate a subordinate to conduct such a review.

12.1.2.3. The tentative findings and recommendations shall not be copied as part of the review process.

12.1.2.4. If any party requests reconsideration of the findings, the party must put in writing such request for reconsideration, specifying what part(s) of the findings should be reconsidered and the reasons for reconsideration.

12.1.3 Once the period specified in Section 12.1.2 has expired, the COB shall consider any requests for reconsideration. If a quorum of the COB members present agree to allow any one (1) of the following parties, the complainant, the subject(s) of the complaint, or the Commissioner, to request that the COB reconsider its findings before they are finalized, the COB shall allow all three (3) parties sufficient opportunity to review the findings and make a request that the COB reconsider its findings

12.1.3.1 Review of the COB's findings by the complainant and the subject(s) of the complaint shall be conducted in a manner that maintains the confidentiality of the information prior to the findings being made final and released.

### 12.2 Release of Final Findings

12.2.1 Following the process specified in Section 12.1.2, the COB shall consider and approve by quorum vote final findings and recommendations. The CXD shall confer with members of the COB to delineate any remarks or concerns the COB would like to publicly disclose regarding the release of final findings and recommendations.

12.1.3. The CXD shall present said remarks and concerns to the DDPS for consideration when drafting an official press release or any other official communication on behalf of the City of St. Louis.

13. Information as it pertains to the COB: Officer-Involved Shootings (Reserved)

14. Information as it pertains to the COB: Providing Information (Reserved)

15. Policy on Requests for Information/Records from External Sources

It is the policy of the COB to comply with the provisions of Chapter 610, RSMo, commonly referred to as the Sunshine Law. In furtherance of this policy, it is stated that:

- 15.1. There has been designated a custodian of records for the COB who is responsible for the maintenance of its records, and the identity and location of the custodian will be made available upon request. The custodian will make records available as required by law to persons submitting requests for records in accordance with the Sunshine Law.
- 15.2. The COB will charge all reasonable fees allowed by the Sunshine Law for providing access to or furnishing copies of public records. The COB requests prepayment of fees as allowed by law. The COB may require prepayment of an estimated amount before commencing the work necessary to comply with a request. The COB will refund any fees paid in excess of the actual cost, but it will also require prepayment of any additional fees over and above the original estimate.
- 15.3. All records retained by the COB, whether created internally or obtained from any other source, are closed to the extent allowed by law. This includes, but is not limited to, records allowed to be closed, described or referenced within any portion of Sections 610.021, 610.100, 610.150 and 610.200. These records are allowed to be closed for various public policy reasons more fully delineated within the Sunshine Law itself; including issues of privacy, public safety and health, protecting law enforcement sensitive information and documents, protecting victims of crimes, ensuring the prosecution of criminal defendants is not jeopardized by premature release of investigatory information, protecting citizens from risks of identity theft, and protecting the identity of juveniles.
- 15.4. The COB reserves its right to have any record request reviewed by the City Counselor's Office to ensure it is complying with the Sunshine Law.

16. Disclaimers and Non-Interference (Reserved)

17. Confidentiality

17.1. Custodian of Records

17.1.1. The custodian of records for the DPS shall be the custodian of records for the COB.

17.2. Responsibility

17.2.1. COB members contacted by persons wishing to provide information regarding any case shall direct them to the CXD and shall not accept or retain any documents, materials, or information pertaining to the work of the COB.

17.2.1.1. Any action in conflict with this provision shall be viewed as a violation of section 17 and the member may be subject to dismissal from the Board as determined in section 18.2.

17.3. Violation:

17.3.1 If any COB member or staff suspects that any COB member has violated the law, including suspected violations of the Sunshine Law, the matter shall be referred to the SLMPD for investigation.

17.3.2 COB members shall be bound and abide by the Standards of Professional Conduct as included in section 24.1 and may be dismissed consequent to any violation as determined in section 18.2.

18. Removal and Dismissal of COB Members

18.1. A COB member may be removed when in violation of any provision contained within the enabling ordinance or any provision contained herein.

18.2. Any three (3) members may jointly seek to remove any one (1) member by submitting a written request to the CXD, having affixed their names to the document, and shall include a statement as to the reasons for their request.

18.2.1. The CXD shall notify the member in question and provide the written explanation to that party in advance of the ensuing meeting during which the issue is to be addressed and voted on.

18.2.2. The member in question shall have ample opportunity prior to a vote to address the COB regarding the request for their dismissal.

18.2.3. The COB may, by a three-fourths (3/4) vote of the current board membership, excluding the member in question, vote to dismiss the member in question.

18.2.3.1. The question, having received the necessary votes, shall take effect immediately.

18.2.3.2. If the question fails to gain the necessary majority, the Board may resume its normal business.

18.3. The CXD may submit a draft resolution accompanied by a written explanation as part of the agenda for any official meeting of the COB to address a violation by a member of the Board of any provision contained within the enabling ordinance or any provision contained herein and to seek dismissal of that member.

18.3.1. Any one (1) member of the COB may call for the draft resolution to be adopted and included as part of the agenda for the next official meeting held by the COB.

18.3.2. The CXD shall notify the member in question and provide the resolution and written explanation to that party in advance of the meeting during which the resolution is to be addressed and voted on.

18.3.3. The member in question shall have ample opportunity prior to a vote to address the COB regarding the resolution calling for their dismissal.

18.3.4. The vote shall proceed as indicated in section 18.2.3.

19. Annual Report, Meeting, & Public Education (Reserved)

20. Suspension of Independent Inquiry, Review, Inspection or otherwise (Reserved)



21. Internal Audits and Outcome

- 21.1 The CXD shall also notify the complainant once the process has concluded indicating the outcome of the process to review their complaint.

22. Use of Volunteers

- 22.1. The COB may create volunteer committees by majority vote of the COB's members present at a meeting where a quorum is present.

22.1.1. Volunteer committees shall be assigned to specific tasks to assist with the compiling of data and to research specific aspects of policy, operations and procedures.

22.1.2. No volunteer committee member shall be directly involved in any case review or Inspection process, nor shall any volunteer have access to any information that is not available to the general public under the Sunshine Law.

23. Legal Advice and Representation

23.1. Recusal:

23.1.1. Any member of the COB that has cause to believe s/he is subject to a conflict of interest regarding a case shall seek the opinion of the City Counselor's office to determine if s/he must recuse herself or himself.

23.1.1.1. A member of the COB shall recuse herself or himself by formally notifying the CXD and the City Counselor's Office in writing with an explanation and shall not participate in any function of the COB pertaining to that case thereafter.

## APPENDIX

### 24.1 Standards of Professional Conduct

I believe that community policing, citizen cooperation, and citizen participation are vital to the St. Louis Metropolitan Police Department's approach to law enforcement, and can be enhanced by an independent citizen oversight process regarding allegations of misconduct.

I encourage participation by members of the public in the process of receiving and reviewing civilian complaints against law enforcement officers and making recommendations regarding such complaints, as well as underlying policies, procedures and operation, enhances transparency, public trust and confidence in law enforcement agencies and police departments and increases the professionalism of such agencies and police departments.

I support a civilian oversight process that assures the public that investigations into both legitimate and unfounded complaints were handled fairly, increasing public confidence in the outcomes.

I agree that civilians who provide oversight can in some cases agree with the findings of internal police investigations, in others find in favor of citizens whose complaints were deemed to be unfounded by the Police Department, and in others can find in favor of the police officers who were deemed to have violated rules and regulations by the Police Department

I commit to a civilian oversight process that treats both citizens and officers fairly, and results in a stronger partnership between the citizens and police to more effectively reduce crime and make neighborhoods safer.

I strive to be fair and objective, always serving as a neutral and impartial arbiter who does not favor the complainant or the accused police officer, and shall act and make decisions in my capacity as a COB member based only on the facts and the evidence before me.

I am committed to effective progress for the City of St. Louis and the safety of its citizens and respect all parties' constitutional rights to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me, the COB, the Department of Public Safety, or the City of St. Louis. I will demonstrate self-restraint and be constantly mindful of the welfare of others and the impact of my work.

Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. I will act without fear or favor, malice or ill will.

I recognize that my participation on the COB is a symbol of public faith, and I accept it as a public trust to be held dearly. I will never engage in acts of corruption or bribery, or accept gratuities, nor will I condone such acts by other members of the COB. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my fellow citizens, community, and City.

(Adopted 4/18/16.)